

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DAVID STEBBINS,)	No. 12-35082
)	
Plaintiff-Appellant,)	(U.S. District Court W.D. Wash.
)	No. 2:11-cv-1362 JCC)
v.)	
)	MICROSOFT CORPORATION’S
MICROSOFT, INC.,)	RESPONSE TO MOTION TO
)	STAY PROCEEDINGS
)	
Defendant-Appellee.)	
)	
)	

Microsoft Corporation (incorrectly sued as “Microsoft, Inc.”) files this response to Appellant David Stebbins’s Motion to Stay Proceedings (Dkt. 28).

Mr. Stebbins claims this case is similar to one of his many other cases seeking to confirm a phantom arbitration award,¹ and asks that “this case be paused” until he can seek U.S. Supreme Court review of the Eighth Circuit’s unpublished order affirming dismissal in *Stebbins v. Reliable Heat & Air, LLC*, No. 11-3639. There, the Eighth Circuit held “the district court properly denied Stebbins’s ‘motion to confirm arbitration award,’ as that motion was meritless.”

¹ Mr. Stebbins is a serial litigant in federal court. *See* Ans. Br. 6–7 (Dkt. 16).

Order at 1–2 (Entry 3934943). Mr. Stebbins’s appeal in this case is as meritless as his appeal in *Reliable Heat & Air*. His request for a stay should be denied.

RESPECTFULLY SUBMITTED this 30th day of August, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on August 30, 2012.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

David Stebbins
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s/ John A. Goldmark
John A. Goldmark